

Remarks

Claims 18-20 stand rejected as being anticipated by U.S. 5,679,042 Varona et al. (hereinafter Varona). Amended Claims 18-20 are directed to a nonwoven web comprising a first segment comprising first continuous filaments and a second segment comprising second continuous filaments wherein the first segment and the second segment extend adjacent one another and abut one another and wherein the second segment comprises second continuous filaments that differ from the first continuous filaments in cross-sectional shape, cross-sectional configuration, crimp level, hydrophobicity, addition or level of internal treatments or additives, tensile strength or elasticity. Varona describes a method of forming a nonwoven fiber web having a pore size gradient by forming a nonwoven web from thermally responsive fibers into zones of fibers varying in denier or composition and then heat shrinking the fibers. The fibers in the different zones shrink to varying degrees depending on the denier or the composition of the fibers producing a nonwoven web having a pore size gradient between the zones. Varona does not disclose, teach or suggest varying the cross-sectional shape, the cross-sectional configuration, the crimp level, the hydrophobicity, the addition or level of internal treatments or additives, the tensile strength or the elasticity between the zones. Accordingly, Applicant submits that the rejection of Claims 18-20 as being anticipated by Varona is improper and should be withdrawn.

Claims 1-10 and 16-20 stand rejected as being unpatentable over Varona in view of U.S. 4,707,398 to Boggs (hereinafter Boggs). Amended Claims 18-20 are directed to a nonwoven web comprising a first segment comprising first continuous filaments and a second segment comprising second continuous filaments wherein the first segment and the second segment extend adjacent one another and abut one another and the second segment comprises second continuous filaments that differ from the first continuous filaments in cross-sectional shape, cross-sectional configuration, crimp level, hydrophobicity, addition or level of internal treatments or additives, tensile strength or elasticity. Claims 1-10, 16 and 17 are directed to a nonwoven web comprising a first segment comprising first continuous filaments and a second segment comprising second continuous filaments wherein the first segment and the second segment extend adjacent one another in the machine direction and abut one another and the second segment comprises second continuous filaments that differ from the first continuous filaments of the first segment in elasticity.

Varona describes, in certain embodiments, a method of forming a nonwoven fiber web having a pore size gradient by forming a nonwoven web with zones of thermally responsive fibers that vary in denier or composition and then heat shrinking the fibers. The heat responsive fibers of the different zones shrink to varying degrees depending on the denier or the composition of the fibers producing a pore size gradient between the zones. Varona does not disclose, teach or suggest varying the cross-sectional shape, the cross-sectional configuration, the crimp level, the hydrophobicity, the addition or level of internal treatments or additives, the tensile strength or the elasticity between the zones of thermally responsive fibers. Boggs also does not disclose, teach or suggest creating zones of fibers that vary in cross-sectional shape, cross-sectional configuration, crimp level, addition or level of internal treatments or additives, tensile strength or elasticity. Generally, Boggs describes nonwoven fabrics made from advantageous polyetherester materials having a high degree of elasticity that can be manufactured at low cost. Boggs does not disclose, teach or suggest forming nonwoven webs having abutting zones of varying elasticity. Varona is concerned with forming nonwoven webs from thermally responsive fibers. Boggs does not disclose, teach or suggest that the elastic polyetherester fibers described therein are thermally responsive.

Accordingly, it would not have been obvious to person of ordinary skill in the art to use any of the elastomeric materials described by Boggs to make fibers in any of the structures described by Varona as the Examiner suggested in the Office Action mailed January 27, 2003. Applicants also submit that it would not have been obvious to person of ordinary skill in the art to make a nonwoven fabric having zones of varying elasticity, cross-sectional shape, cross-sectional configuration, crimp level, hydrophobicity, addition or level of internal treatments or additives, or tensile strength as described and claimed in the present patent application in view of Varona, Boggs or Varona and Boggs combined. Accordingly, Applicants respectfully request that the pending rejections of Claims 1-10 and 16-20 be withdrawn.

Conclusion

Applicants respectfully submit that Claims 1-10 and 16-20 are in condition of allowance and request that the pending rejections are withdrawn and a Notice of Allowance issued. Should any questions arise with regard to this application the Examiner is encouraged to contact the undersigned at (770)-587-8620.

Please charge any prosecutorial fees which are due to Kimberly-Clark
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Respectfully submitted,

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CERTIFICATE OF MAILING

I, Christos S. Kyriakou, hereby certify that on July 25, 2002, this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.

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